

CIVIL CASE INFORMATION STATEMENT		Court of Appeal Case Number (if known): B222281
COURT OF APPEAL, <u>Second</u> APPELLATE DISTRICT, DIVISION <u>p</u>		FOR COURT USE ONLY CITY ATTORNEY 2010 MAR -1 AM 11:53
ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Steven M. Cischke, Esq. (Bar # 125612) Law Offices of Rheuban & Gresen 15910 Ventura Boulevard, Suite 1610 Encino, CA 91436 TELEPHONE NO.: (818) 815-2727 FAX NO. (Optional): (818) 815-2737 E-MAIL ADDRESS (Optional): sc@rglawyers.com ATTORNEY FOR (Name): Christopher Lee Dunn, Plaintiff		
APPELLANT: Christopher Lee Dunn RESPONDENT: City of Burbank		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: 111 North Hill Street CITY AND ZIP CODE: Los Angeles 90012 BRANCH NAME: Central District		
JUDGES (all who participated in case): Alan S. Rosenfield		Superior Court Case Number: BC 417 928
NOTE TO APPELLANT: You must file this form with the clerk of the Court of Appeal within 10 days after the clerk mails you a notice that this form must be filed. You must attach to this form (1) a copy of the judgment or order being appealed that shows the date it was entered (see Cal. Rules of Court, rule 8.104 for definition of "entered") and (2) proof of service of this form on all parties to the appeal. (CAUTION: An appeal in a limited civil case (Code Civ. Proc., § 85) may be taken ONLY to the appellate division of the superior court (Code Civ. Proc., § 904.2), or to the superior court (Code Civ. Proc., § 116.710 [small claims cases]).		

PART I – APPEAL INFORMATION**A. APPEALABILITY**

1. Appeal is from:

- ☐ Judgment after jury trial
☐ Judgment after court trial
☐ Default judgment
☐ Judgment after an order granting a summary judgment motion
☐ Judgment of dismissal under Code Civ. Proc., §§ 581d, 583.250, 583.360, or 583.430
☐ Judgment of dismissal after an order sustaining a demurrer
☐ An order after judgment under Code Civ. Proc., § 904.1(a)(2)
☒ An order or judgment under Code Civ. Proc., § 904.1(a)(3)–(13)
☐ Other (describe and specify code section that authorizes this appeal):

2. Does the judgment appealed from dispose of all causes of action, including all cross-actions between the parties?

☐ Yes ☒ No If no, please explain why the judgment is appealable: **Injunction/TRO - CCP § 904.1(a)(6)**

B. TIMELINESS OF APPEAL (Provide all applicable dates.)

1. Date of entry of judgment or order appealed from: 01 / 07 / 10
 2. Date that notice of entry of judgment or a copy of the judgment was mailed by the clerk or served by a party under California Rules of Court, rule 8.104: / /
 3. Was a motion for new trial, judgment notwithstanding the verdict, reconsideration, or to vacate the judgment made and denied?
☐ Yes ☒ No If yes, please specify the type of motion:
 Date motion filed: / / Date denied: / / Date denial served: / /
 4. Date notice of ☒ appeal or ☐ cross-appeal filed: / /

C. BANKRUPTCY OR OTHER STAY

Is there a related bankruptcy case or a court-ordered stay that affects this appeal? ☐ Yes ☒ No (If yes, please attach a copy of the bankruptcy petition [without attachments] and any stay order.)

g-26-10

APPELLATE CASE TITLE: Dunn v. City of Burbank, et al.	SUPERIOR COURT CASE NUMBER: BC 417 928
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D. APPELLATE CASE HISTORY (Provide additional information, if necessary, on attachment I.D.)

Is there now, or has there previously been, any appeal, writ, or other proceeding related to this case pending in any California appellate court? ☐ Yes ☐ No If yes, insert name of appellate court:

Appellate court case no.:

Title of case:

Name of trial court:

Trial court case no.:

E. SERVICE REQUIREMENTS

Is service of documents in this matter, including a brief or a petition, required on the Attorney General or other nonparty public officer or agency under California Rules of Court, rule 8.29 or a statute? Yes ☐ No ☐ If yes, please indicate the rule or statute that applies.

☐ Rule 8.29☐ Bus. & Prof. Code, § 17209 (Unfair Competition Act)☐ Bus. & Prof. Code, § 17536.5 (False advertising)☐ Civ. Code, § 51.1 (Unruh, Ralph, or Bane Civil Rights Acts; antiboycott cause of action; sexual harassment in business or professional relations; civil rights action by district attorney)☐ Civ. Code, § 55.2 (Disabled access to public conveyances, accommodations, and housing)☐ Gov. Code, § 4461 (Disabled access to public buildings)☐ Gov. Code, § 12656(a) (False Claims Act)☐ Health & Saf. Code, § 19954.5 (Accessible seating and accommodations)☐ Health & Saf. Code, § 19959.5 (Disabled access to privately funded public accommodations)☐ Other (please specify statute):

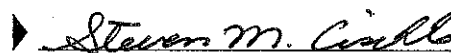
NOTE: The rule and statutory provisions listed above require service of a copy of a party's brief or petition and brief on the Attorney General or other public officer or agency. Other statutes requiring service on the Attorney General or other public officers or agencies may also apply. (See, e.g., Code Civ. Proc., § 1355; Gov. Code, § 946.6(d); Pub. Resources Code, § 21167.7.)

PART II – NATURE OF ACTION**A. Nature of action** (check all that apply):1. ☐ Conservatorship2. ☐ Contract3. ☐ Eminent domain4. ☐ Equitable action a. ☐ Declaratory relief b. ☐ Other (describe):5. ☐ Family law6. ☐ Guardianship7. ☐ Probate8. ☐ Real property rights a. ☐ Title of real property b. ☐ Other (describe):9. ☐ Torta. ☐ Medical malpracticeb. ☐ Product liabilityc. ☐ Other personal injuryd. ☐ Personal propertye. ☐ Other tort (describe):10. ☐ Trust proceedings11. ☐ Writ proceedings in superior courta. ☐ Mandate (Code Civ. Proc., § 1085)b. ☐ Administrative mandate (Code Civ. Proc., § 1094.5)c. ☐ Prohibition (Code Civ. Proc., § 1102)d. ☐ Other (describe):12. ☒ Other action (describe): **Wrongful Termination**B. ☐ This appeal is entitled to calendar preference/priority on appeal (cite authority):**PART III – PARTY AND ATTORNEY INFORMATION**

Please attach to this form a list of all the parties and all their attorneys of record who will participate in the appeal. For the parties, include the following information: the party's name and his or her designation in the trial court proceeding (plaintiff, defendant, etc.). For the attorneys, include the following information: name, State Bar number, mailing address, telephone number, fax number, and e-mail address.

Date: **2-24-10**

This statement is prepared and submitted by:



(SIGNATURE OF ATTORNEY OR UNREPRESENTED PARTY)

PARTY IDENTIFICATION SHEET
(Only parties to the appeal are to be listed)

The Party Identification Sheet is a required attachment to the Case Information Statement form filed within the jurisdiction of the Second Appellate District. [The Party Identification Sheet may also be used with the Notice of Appeal form (APP-002).]

Only those persons or entities that are *parties to the appeal* are to be listed. Counsel identifying information must include counsel's name, firm name, state bar number, address, and phone number. Unrepresented parties should appear in the Counsel column with the appropriate contact information.

Party

Counsel

Name:

Christopher Lee Dunn, Plaintiff

Appellant ☒

Respondent ☐

Name:

Solomon E. Gresen, Esq.
Steven V. Rheuban, Esq.
Law Offices of Rheuban & Gresen
15910 Ventura Boulevard, Suite 1610
Encino, California 91436
Telephone: (818) 815-2727
Facsimile: (818) 815-2737

State Bar No.

164783
48538

Name:

City of Burbank, Defendant

Appellant ☐

Respondent ☒

Name:

Kristin A. Pelletier, Esq.
Burke, Williams & Sorensen, LLP
444 South Flower Street, Suite 2400
Los Angeles, California 90071
Telephone: (213) 236-0600
Facsimile: (213) 236-2700

State Bar No.

155378

Name:

Appellant ☐

Respondent ☐

Name:

State Bar No.

Name:

Appellant ☐

Respondent ☐

Name:

State Bar No.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 01/07/10

DEPT. 31

HONORABLE ALAN S. ROSENFELD

JUDGE

S. WONG

DEPUTY CLERK

HONORABLE
#14

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

T. TENNYSON, CA

Deputy Sheriff

K. SMITH-MYLER CSR#12500 Reporter

8:30 am

BC417928

Plaintiff

Counsel

SOLOMON E GRESEN (X)

CHRISTOPHER LEE DUNN

VS

Defendant

Counsel

CAROL A HUMISTON (X)

BURBANK POLICE DEPARTMENT ET AL

NOT RELATED TO BC418792

NATURE OF PROCEEDINGS:

MOTION OF DEFENDANT, CITY OF BURBANK FOR A
PRELIMINARY INJUNCTION;

Matter is called for hearing and argued.

The Court denies the request for injunction and grants in part and issues an order restraining and enjoining Plaintiff and his attorneys from (1) distributing, disclosing, revealing, destroying, or otherwise disposing the Merich Memo; (2) assisting, aiding, or abetting any other person or entity in engaging in such activity; and (3) ordering Plaintiff and his attorneys to return to Sr. Asst. City Attorney Carol Ann Humiston all copies of the Merich Memo in their possession, custody, or control within five (5) days.

Counsel for defendant to give notice.

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